

## UNITED STATES MISSION TO THE UNITED NATIONS

### U.S. DISABILITY RIGHTS LAW: CHILDREN WITH DISABILITIES

Article 16.5 (italicized) -- *Children with disabilities and their parents or other persons caring for or legally responsible for the child shall be provided with appropriate information, referrals and counselling, and information made available in these ways should provide them with a positive view of their potential and right to live a full and inclusive life* (para (5)). This fact sheet provides explanations of U.S. law and its implementation and web-retrievable resources that may be of assistance to delegations regarding article 16.5.

Children with disabilities are addressed in specific laws for them, such as the Individuals with Disabilities Education Act (IDEA). This law provides those between birth and the age of three, and in some States five years of age, with access to family-centered early intervention services funded by the Federal Government. It guarantees those above the age of three through the age of 18, and in some States greater age, a free appropriate public education. Parents are directly involved in planning for their child's education under this law. By the age of 14, this law allows a child to participate in the development of his or her individualized education program. Children with disabilities are also addressed in laws that apply to children in general, for example the No Child Left Behind Act, which deals with education, laws pertaining to the health of children, and a variety of laws related to adoption, foster care, and preschool programs. Finally, children with disabilities are included under the category of individuals with disabilities in the Americans with Disabilities Act (ADA) and the Developmental Assistance and Bill of Rights Act (DD Act). These several laws provide children with disabilities for a range of protections and access to services that meet their individual needs and assist them to succeed in life. The DD Act and the ADA have a strong, positive view of individuals with disabilities.

<http://thomas.loc.gov/cgi-bin/query/z?c108:h.1350.enr>; <http://www.acf.hhs.gov/programs/add>;  
<http://www.usdoj.gov/crt/ada/pubs/ada.txt>.

There are a variety of programs related to the identification of children with disabilities, assessment of their needs, and the provision of services other than strictly educational services. There is the Early Periodic Screening, Diagnosis and Treatment Program in the Social Security Act (P.L. 101-239) and Part C program, related to early intervention services in IDEA, both of which play a central role in the development of young children with disabilities. IDEA also places an affirmative action, called Child Find, on school districts to identify, evaluate, and serve any child with a disability above the age of three. Child Find goes beyond the identification of educational needs, and includes identification and needs related to health and functioning generally.

[http://www.ssa.gov/OP\\_Home/ssact/title05/0500.htm](http://www.ssa.gov/OP_Home/ssact/title05/0500.htm); <http://www.thomas.loc.gov>.

There are many ways by which parents receive information about disabilities. One source is through NGOs that focused on disabilities. Another source is a federally-supported nationwide network of cross-categorical Parent Information Training Centers. Additionally parents and professionals benefit from targeted information campaigns about disability. The U.S. Centers for Disease Control and Prevention are currently conducting a nationwide information campaign on how to detect autism and other developmental disabilities early. State Developmental Disabilities Councils provide training to parents, advocates, and young people with disabilities about programs, rights under Federal laws, and opportunities that help children with disabilities make successful transition to adulthood.

Providing information to children and young people with disabilities is evolving more slowly. In 15 States the Federal Government has funded Youth Information, Referral, and Training Centers to assist

young people with developmental disabilities to acquire information that will help them make a successful transition to adulthood and to become leaders.

<http://www.acf.hhs.gov/programs/add>.

(Circulated by the United States during the Seventh Session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, January 16 – February 3, 2006)